

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

CORY MCDANIEL, on behalf of himself and others similarly situated,	:	
	:	
Plaintiffs,	:	Case No. 2:20-cv-04497
	:	
v.	:	CHIEF JUDGE ALGENON L. MARBLEY
	:	
RECON OILFIELD SERVICES, INC.,	:	Magistrate Judge Chelsey M. Vascura
<i>et al.</i> ,	:	
	:	
Defendants.	:	

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KALEN KLEES, on behalf of himself and others similarly situated,	:	
	:	Case No. 2:22-cv-01895
	:	
Plaintiffs,	:	JUDGE JAMES L. GRAHAM
	:	
v.	:	Magistrate Judge Chelsey M. Vascura
	:	
RECON OILFIELD SERVICES, INC.,	:	
<i>et al.</i> ,	:	
	:	
Defendants.	:	

**OPINION & ORDER**

This matter is before this Court on parties' Joint Motion to Consolidate Cases for Purposes of Settlement Approval and Referring Settlement Proceedings to Magistrate Judge Chelsey M. Vascura. (No. 2:20-cv-04497 (hereinafter *McDaniel*), ECF No. 95; No. 2:22-cv-01895 (hereinafter *Klees*), ECF No. 23). For the reasons that follow, this Court **GRANTS** the Joint Motion to **CONSOLIDATE** these two cases, **DIRECTS** the Clerk to **CLOSE** the later filed case, and **ORDERS** the parties to file all documents in the earliest filed case, *McDaniel*, No. 2:20-cv-4497. This Court also **GRANTS** the parties' request for referral to Magistrate Judge Chelsey M. Vascura's jurisdiction for all motions related to the settlement of the consolidated cases. If the

settlement is not fully approved or the matter is not otherwise fully resolved, the case will proceed forward under Chief Judge Algenon L. Marbley.

## I. BACKGROUND

On August 31, 2020, Plaintiff Cory McDaniel filed a Complaint in this action against Defendants Recon Oilfield Services, Inc. and Triple J Oilfield Services LLC on behalf of himself and others similarly situated. (*McDaniel*, ECF No. 1). In the Complaint, Plaintiff alleged that Defendants failed to pay employees overtime wages. (*Id.*). Plaintiff sought all available relief through a Collective and Class Action under the Fair Labor Standards Act of 1938 (“FLSA”), 29 U.S.C. §§ 201, et seq.; the Ohio Minimum Fair Wage Standards Act, O.R.C. 4111.03 (“the Ohio Wage Act”); the Ohio Prompt Pay Act (“OPPA”), Ohio Rev. Code § 4113.15; and Ohio’s Recordkeeping laws, Ohio Rev. Code §§ 4111.08, 4111.14(G) & (H), and Article II, Section 34a of the Ohio Constitution. (*Id.* at 1–2). On January 13, 2021, the parties filed a Joint Motion for FLSA Conditional Collective Action Certification (*McDaniel*, ECF No. 21), which this Court granted on April 5, 2021. (*McDaniel*, ECF No. 24). On April 6, 2022, Representative Plaintiff Kalen Klees, who previously opted into and then opted out of the *McDaniel* lawsuit, filed a related case against Defendants. (*Klees*, ECF No. 1). Shortly thereafter, the Representative Plaintiffs from both lawsuits and Defendants agreed to mediate jointly both cases. (*McDaniel*, ECF No. 95 at 1). On August 2, 2022, the parties in *Klees* filed a Joint Motion to Stay the litigation pending mediation of both cases (*Klees*, ECF No. 17), which this Court granted on August 3, 2022. (*Klees*, ECF No. 18). The parties in both cases successfully reached an agreement at mediation on October 11, 2022. (ECF No. 95 at 1).

The parties to both *McDaniel* and *Klees* now jointly seek to have the cases consolidated solely for the purposes of seeking and obtaining Court approval of the global settlement reached.

(*McDaniel*, ECF No. 95; *Klees*, ECF No. 23). They also consent to Magistrate Judge Vascura's jurisdiction for the limited purpose of deciding any motions connected to and/or related to the settlement of these two cases. (*Id.*).

## II. LAW & ANALYSIS

Under Federal Rule of Civil Procedure 42(a), if actions before a court involve a common question of law or fact, the court has the discretion to: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay. There need not be a "complete identity of legal and factual issues posed in the cases which are the subject of the request." *J4 Promotions, Inc. v. Splash Dogs, LLC*, Nos. 2:09-cv-136, 2:10-cv-432, 2010 WL 3063217, at \*1 (S.D. Ohio Aug. 3, 2010). The underlying objective of consolidation "is to administer the court's business with expedition and economy while providing justice to the parties." *Advey v. Celotex Corp.*, 962 F.2d 1177, 1180 (6th Cir. 1992) (internal quotation marks and citation omitted). The Court must take care "that consolidation does not result in unavoidable prejudice or unfair advantage." *Cantrell v. GAF Corp.*, 999 F.2d 1007, 1011 (6th Cir. 1993). If the conservation of judicial resources achieved through consolidation "[is] slight, the risk of prejudice to a party must be viewed with even greater scrutiny." *Id.*

The Complaints filed in both cases allege failure to pay employees overtime wages and seek all available relief under the same federal and state laws. (*McDaniels*, ECF No. 1; *Klees*, ECF No. 1). The facts of each case involve the same employees seeking damages, and Plaintiff Klees was previously a named Plaintiff in the *McDaniel* action who had opted into the lawsuit. As all parties maintain that a global settlement has been reached, consolidating these matters for the purposes of final settlement approval has the combined effect of efficiently using this Court's resources, providing justice to the parties, and avoiding prejudice.

It is well settled that pursuant to 28 U.S.C. § 626(c) and Federal Rule of Civil Procedure 73(a), the parties in a civil action in federal district court have the option of consenting to have their case handled by a United States magistrate judge. Here, both parties consented to Magistrate Judge Vascura's jurisdiction over the pending settlement agreement. (*McDaniels*, ECF No. 95; *Klees*, ECF No. 23).

### III. CONCLUSION

For the reasons set forth above, this Court **GRANTS** the Joint Motion and **ORDERS** *McDaniel v. Recon Oilfield Services, Inc., et al.*, Case No. 2:20-cv-04497 and *Klees v. Recon Oilfield Services, Inc., et al.*, Case No: 2:22-cv-01895 be **CONSOLIDATED** for purposes of the parties moving for settlement approval. This Court **DIRECTS** the Clerk to **CLOSE** the later filed case and **ORDERS** the parties to file all documents in the earliest filed case, No. 2:20-cv-4497. This Court also **GRANTS** the parties' request for referral to Magistrate Judge Chelsey M. Vascura's jurisdiction for all motions related to the settlement of the consolidated cases.

**IT IS SO ORDERED.**



**ALGENON L. MARBLEY**  
**CHIEF UNITED STATES DISTRICT JUDGE**

*s/ James L. Graham*

**JAMES L. GRAHAM**  
**UNITED STATES DISTRICT JUDGE**

**DATED: November 16, 2022**